

REMARKS

Claims 10-30 remain pending in this application, and claims 10-30 have been rejected.

Reconsideration of this application in light of the following remarks is requested.

I. Rejections under 35 U.S.C. § 101

Claims 22-25¹ were apparently rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. To this end, the Examiner stated the following:

The claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful and tangible result.

Office Action dated 9 August 2007, Page 2.

Applicant respectfully disagrees. Claim 22 recites a method of migrating data from a first source table in a first database system to a second database system that includes “receiving groups of data from the source table from an intermediate medium into corresponding temporary tables in the second database system,” “defining the temporary tables according to definitions of the source table,” “inserting rows of the temporary tables into a target table in the second database system,” and “making data in the target table available for execution of database queries against that data.” As would be recognized by a person of ordinary skill in the art, the claimed invention has a specific and substantial utility. Particularly, the claimed invention provides a method of data migration utilizing temporary tables that may enhance migration characteristics. Accordingly, withdrawal of the objection of claims 22-25 under 35 U.S.C. § 101 is requested.

II. Rejections Under 35 U.S.C. §103

Claim 10

Claim 10 recites the following:

10. A method of migrating data, comprising:

¹ The Examiner indicated that claims 43-64 - claims that are not pending in the subject application - were rejected under 35 U.S.C. § 101, but referred to claim 22 and the claims dependent therefrom in the rejection.

archiving data from a source table in a source database system;
transferring groups of the archived data, in parallel, to corresponding temporary tables in a target database system;
inserting data from the temporary tables into a target table in the target database system; and
making data in the target table available for execution of database queries against that data.

Claim 10 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,151,608 to Abrams ("Abrams") in view of U.S. Patent No. 5,404,507 to Bohm et al. ("Bohm"). Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to claim 10.

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

It is submitted that, in the present case, the examiner has not factually supported a prima facie case of obviousness for the following reasons.

1. Even When Combined, the References Do Not Teach the Claimed Subject Matter

The Abrams and Bohm patents cannot be applied to reject claim 10 under 35 U.S.C. § 103 which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, since neither Abrams or Bohm teaches transferring groups of the archived data, in parallel, to corresponding temporary tables in a target database system as is

claimed in claim 10, it is impossible to render the subject matter of claim 10 as a whole obvious, and the explicit terms of the statute cannot be met.

With regard to the claim 10 limitation of "transferring groups of the archived data, in parallel, to corresponding temporary tables in a target database system," the Examiner cited the following passage of Abrams as allegedly disclosing such a method step:

There are two approaches to loading the data into a temporary table depending on whether the source data is in an ASCII file or whether it resides in another Oracle table.

Abrams, Column 12, Lines 5-8.

Applicants respectfully disagree. Here, Abrams generally describes loading data into a temporary table but is wholly silent with regard to transferring groups of data "in parallel" into temporary tables in the target system, as recited in these claims. Applicant finds nothing to suggest the **parallel transfer of groups** of data anywhere in the Abrams patent.

Like Abrams, Bohm does not describe or suggest the parallel transfer of groups of data to temporary tables.

Further, the Examiner has conceded that Abrams and Bohm fail to disclose transferring groups of the archived data, in parallel, to corresponding temporary tables but has nonetheless maintained the rejection of claim 10 in view of Abrams and Bohm. For example, the Examiner stated the following in the discussion of claim 26:

[W]hile the combination of Abrams/Bohm substantially discloses the claimed invention, **the combination fails to disclose in detail "parallel transfer of groups..."**

Office Action dated 9 August 2007, Page 6 (**Emphasis Added**).

Thus, by the Examiner's own admission, Abrams and Bohm fail to obviate claim 10, and withdrawal of the rejection of claim 10 under 35 U.S.C. §103 is requested.

Independent claim 22 recites similar features as claim 10 and was rejected under similar rationale. Therefore, the same distinctions between Abrams and Bohm and the claimed invention in claim 10 apply for claim 22. For at least the reasons described above, Abrams and Bohm fail to obviate claim 22, and withdrawal of the rejection of claim 22 is respectfully requested.

Claim 26

Claim 26 recites the following:

26. An article comprising at least one storage medium containing instructions that when executed cause a target database system to:
receive one or more queries to set up temporary tables in the target database system;
receive, in parallel, groups of data from a source table in a source database system into the temporary tables;
insert data from the temporary tables into a target table in the target database system; and
make the data in the target table available for execution of database queries against that data.

Claim 26 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abrams in view of Bohm, and further in view of U.S. Patent No. 6,651,074 to Taylor ("Taylor"), and further in view of U.S. Patent No. 5,084,789 to Kamo et al. ("Kamo"). Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to claim 26. It is submitted that, in the present case, the examiner has not factually supported a prima facie case of obviousness for the following reasons.

1. Even When Combined, the References Do Not Teach the Claimed Subject Matter

The Abrams, Bohm, Taylor and Kamo patents cannot be applied to reject claim 26 under 35 U.S.C. § 103 since none of Abrams, Bohm, Taylor and Kamo teaches an article that causes a database system to "receive, in parallel, groups of data from a source table in a source database system into the temporary tables" as is claimed in claim 26.

With regard to the claim 26 limitation of receiving, "in parallel, groups of data from a source table in a source database system into the temporary tables" the Examiner cited the following passage of Kamo as allegedly disclosing such a mechanism:

The present invention is characterized in that the parallel transfer type disk system

includes a plurality of driving units for driving (moving) heads, and therefore, there are two cases, that is, a case where a plurality of head disk assemblies (HDA) each including one driving unit are provided and a case where a plurality of driving units are provided in one or a plurality of head disk assemblies.

Kamo, Column 2, Lines 36-43.

Applicants respectfully disagree. Here, Kamo generally describes a parallel transfer type disk, e.g., that includes a plurality of heads. Kamo in no manner describes or suggests an article containing instructions that cause a target database system to **receive, in parallel, groups of data from a source table** in a source database system **into the temporary tables**.

Applicants note the Examiner has not articulated any basis for the citation of Taylor in the rejection of claim 26, and it is the Applicants' belief that Taylor provides for none of the deficiencies of Abrams, Bohm, and Kamo. Thus, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and withdrawal of the rejection of claim 26 under 35 U.S.C. §103 is requested.

III. Conclusion

It is clear from all of the foregoing that independent claims 10, 22, and 26 are in condition for allowance. Dependent claims 11-21, 23-25, and 27-30 depend from and further limit independent claims 10, 22, and 26 and therefore are allowable as well.

An early formal notice of allowance of claims 10-30 is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steve McDonald', with a large circular flourish at the end.

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Dated: 2-11-08

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Docket No.: 10185